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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

CG TECHNOLOGY DEVELOPMENT, LLC,
INTERACTIVE GAMES LIMITED, and
INTERACTIVE GAMES LLC,

Plaintiffs,

vs.

DRAFTKINGS, INC.,

Defendant.

Case No.: 2:16-cv-00781-MMD-CWH

**STIPULATION AND ORDER FOR
EXTENSION OF TIME TO FILE RULE
26(F) REPORT, TO FILE PROPOSED
PROTECTIVE ORDER, AND TO
SERVE INITIAL DISCLOSURES AND
INFRINGEMENT CONTENTIONS**

(First Request)

Pursuant to LR IA 6-1, LR IA 6-2, and LR 7-1, Plaintiffs CG Technology Development, LLC, Interactive Games Limited, and Interactive Games LLC ("Plaintiffs") and Defendant

DraftKings, Inc. (“Defendant”), by and through their respective counsel, hereby stipulate and request an extension of time to file the Rule 26(f) Report, file a proposed protective order, and serve initial disclosures and infringement contentions. The current deadline to conduct these activities is September 12, 2016. The parties seek a two-week extension up to and including September 26, 2016. This is the parties’ first request for an extension of these deadlines.

This extension is requested for good cause and not for any delay. The parties state as follows:

1. This action was filed on April 7, 2016. (ECF No. 1.) The Summons and Complaint were served on April 21, 2016. (ECF No. 15.)

2. On June 13, 2016, Plaintiffs filed their First Amended Complaint. (ECF No. 29.) The First Amended Complaint added two additional patents and associated claims for infringement.

3. On July 29, 2016, Defendant filed a Motion to Dismiss the First Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6). (ECF No. 37.)

4. On August 29, 2016, this Court issued an Order granting Defendant Big Fish Games, Inc.’s Rule 12(b)(6) Motion to Dismiss in a separate case involving several of the same patents at issue here, *CG Technology Development, LLC et al. v. Big Fish Games, Inc.*, No. 16-cv-00857-RCJ-VCF (D. Nev. Aug. 29, 2016). (“The *Big Fish* Order,” attached as **Exhibit A**.) In the *Big Fish* Order, the Court held, *inter alia*, that five (5) of the ten (10) patents that are also at issue in the present case are invalid under 35 U.S.C. § 101 for failure to claim patent-eligible subject matter—specifically, U.S. Patent Nos. 6,899,628; 7,029,394; 7,534,169; 8,342,924; and 9,111,417.

5. On August 31, 2016, Defendant contacted Plaintiffs regarding the applicability of the *Big Fish* Order to the present case, as well as possible extensions to certain upcoming case management deadlines. Plaintiffs agreed that the findings of patent-ineligibility under § 101 in the *Big Fish* Order apply directly to the same five (5) patents at issue in the present case, noted above. Plaintiffs further stated that they are currently determining how to move forward procedurally so as to preserve their appeal rights in this case with respect to those five (5) patents. Defendant agreed that the case management deadlines should be extended so the parties could determine the most

efficient way to handle the implications of the *Big Fish* Order in this case.

6. Therefore, the parties hereby respectfully request a short two-week extension of time to (1) file the Rule 26(f) Report, (2) file a proposed protective order, and (3) serve initial disclosures and infringement contentions.

DATED this 8th day of September, 2016.

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IT IS SO ORDERED.

ORDER

UNITED STATES MAGISTRATE JUDGE

DATED: September 9, 2016